

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number

0606-0015

Case Title:

CES Environmental Services

Reporting Office:

Houston, TX Resident Office

Subject of Report:

Interview of (b) (6), (b) (7)(C) (b) (6), (b) Consultant
Engineer, Failure & Damage Analysis, Inc.

Activity Date:

October 29, 2009

Copies to:

Related Files:

Reporting Official and Date:

(b) (6), (b) (7)(C) , SA

04-NOV-2009, Signed by: (b) (6), (b) , SA

Approving Official and Date:

(b) (6), (b) (7)(C) , SAC

04-NOV-2009, Approved by: (b) (6), (b) , ASAC

SYNOPSIS

10/29/2009 - (b) (6), received a telephone call from a person named (b) (6), (b) (6), (b) Technical Services Regulatory Support, CES Environmental Services, Inc. (CES) on December 19, 2008. (b) (6), (b) advised (b) (6), that two explosions had occurred at CES located at 4904 Griggs Road, Houston, Texas. The first explosion occurred on December 07, 2008 and the second explosion occurred on December 17, 2008. (b) (6), (b) wanted Failure Damage Analysis to investigate the two explosions to find cause and origin.

DETAILS

On October 29, 2009 an interview was conducted at 2620 Fountain View, Suite 405, Houston, Texas, of (b) (6), (b) (7)(C) Consultant Engineer, Failure & Damage Analysis, Inc. (FDA). Those present were EPA CID SA (b) (6), (b) (7) and (b) (6), (b) was identified by Texas DL# (b) (6), (b) (7)(C) telephone number is (b) (6), (b) (7)(C) .

(b) (6), is a Mechanical Engineer, Bachelor of Science in Engineering from Purdue University. (b) (6), has worked at FDA since 1995. FDA investigates cause and origin of accidents including explosions.

(b) (6), received a telephone call from (b) (6), (b) (7)(C) Technical Services Regulatory Support, CES Environmental Services, Inc. (CES) on December 19, 2008. (b) (6), (b) advised (b) (6), that two explosions had occurred at CES located at 4904 Griggs Road, Houston, Texas. The first explosion occurred on December 07, 2008 and the second explosion occurred on December 17, 2008. (b) (6), (b) wanted FDA to investigate the two explosions to find cause and origin.

(b) (6), went to CES and met with (b) (6), (b) assigned a CES employee named (b) (6), (b) to assist (b) (6), with the investigation of the two explosions. (b) (6), visited the plant a total of four times from December

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19, 2008 until the investigation completion date of December 29, 2008 for a total of 14 hours of FDA investigation into the two explosions.

The standard procedure for FDA is to complete the investigation and give an oral report to the client. The client listens to the oral report and then will decide whether or not to order a written report from FDA. FDA then sends a bill to the client whether or not a written report is issued.

Upon completion of the investigation (b) (6), met with (b) (6), (b) (7), Vice President - CFO, CES Environmental Services, Inc., with (b) (6), (b) present and presented the results of the investigation.

The first explosion was caused by an improper restart of the "Thermal Oxidizer" (TO). (b) (6), located the TO manual and could not find anyone that was familiar with the owners manual. The manual contained codes that explain that specific codes require specific restart procedures. There were no reset codes posted near the control panel as listed in the TO manual.

During the first explosion a TO shutdown had occurred due to too rich a mixture (highly explosives). The CES procedure for TO shutdown was to restart the TO by pushing reset button. When the restart occurred the rich mixture that was highly explosive ignited and caused the TO to explode.

The second explosion was caused by sparks and metal ambers during welding and metal cutting while repairing the TO. The welding and metal cutting took place on top of the TO a few feet above a plastic pipe that was venting Methyl Ethyl Keytone (MEK). A spark or hot ember burned a hole into the plastic that then ignited the MEK resulting in an explosion.

(b) (6), (b) (7), with (b) (6), (b) present listened to the verbal investigative findings. After (b) (6), finished (b) (6), suggested that (b) report should reflect that the explosion was an act of terrorism. (b) (6), told (b) (6), that (b) report would not reflect an act of terrorism because would be inaccurate.

(b) (6), continued to argue that the explosion was an act of terrorism and (b) (6), stated the reasons that it was not terrorism. It was settled that FDA would not issue a report stating the cause of the explosion as terrorism. (b) (6), told (b) (6), not to issue a written report.

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A week later (b) (6), sent a bill to CES. (b) (6), was not paid and filed a lawsuit in small claims court on 06/17/2009 at Honorable Russ Ridgeway, JP Harris County, Precinct Five, Place One. (b) (6), said (b) won (b) lawsuit by default but CES has filed an appeal.

(b) (6), is concerned that CES does not follow any rules and are doing whatever they want. (b) (6), said that CES is a very dangerous company and is especially dangerous to the neighborhood that it is located near.

(b) (6), provide SA (b) (6), with a copy of a letter to the Honorable Russ Ridgeway, copy of two letters from County Clerk (b) (6), (b) (7)(C), a statement from CES employee (b) (6), (b) and the bill sent to CES. See attachments.

(b) (6), also gave SA (b) (6), 4 sheets of emails. The email was reviewed at a later time. Upon review it was noted that the email was from an attorney. The 4 emails were placed into an envelope. The envelope was labeled as possible attorney client privilege information for later review by a "taint" team.

ATTACHMENT

(b) (6), (b) Letter

(b) (6), (b) Letter

(b) Letter

FDA bill to CES

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